

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JACK DUNN, ROSE HENLEY,

Plaintiffs,

Case No. 3:21-cv-01396-HL

v.

OPINION AND ORDER

EDITH MOLL, et al.,

Defendants.

MOSMAN, J.,

On May 18, 2022, Magistrate Judge Andrew Hallman issued Findings and Recommendation (“F. & R.”) [ECF 42]. Judge Hallman recommends that I grant Defendants’ Motions to Dismiss [ECF 6], [ECF 12], and [ECF 17], and dismiss this case with prejudice. Plaintiffs timely filed objections on June 1, 2022. Defendants responded on June 15, 2022. I agree with Judge Hallman.

STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See*


Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Hallman's recommendation, and I ADOPT the F. & R. [ECF 42] as my own opinion. I GRANT Defendants' Motions to Dismiss [ECF 6], [ECF 12], and [ECF 17], and DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 21 day of June, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge